

In re Appln. of Robert C. Phillips, et al.  
Application No. 09/750,585

## REMARKS

The Office Action dated June 21, 2004, and the reference cited therein have been carefully considered. Claims 1-24 are presently pending. No claims currently stand allowed. Applicants have not amended any of the claims. The subject claims are all directed to particular aspects of an interface unit between a non-volatile data storage controller and a cell-based switching fabric that comprises a *cell transceiver* (including both a cell transmitter and cell receiver) and a non-volatile data storage controller. The non-volatile data storage controller is *interposed* between the cell transceiver and the non-volatile data storage. The non-volatile data storage controller retrieves and forwards raw data to the cell transmitter and/or *receives and stores raw data from the cell receiver to the non-volatile data*. In view of the remarks set forth herein below, the pending claims 1-24 are patentable over the prior art presently known to Applicants. Accordingly, Applicants request favorable reconsideration of the previous rejection of the now pending claims. Please charge any fee deficiencies to Deposit Account No. 12-1216.

### *Summary of the Claim Rejections*

The following identifies the authority and prior art applied to the identified claims for each rejection of the claims set forth in the Office Action dated September 25, 2003.

1. **Sections 1-11:** Claims 1-7, 10, 13-17, 20, 21 and 24 are rejected under Section 102(b) as being anticipated by Baji U.S. Patent No. 5,027,400.

2. **Sections 12-14:** Claims 8, 9, 11, 12, 18, 19, 22, and 23 are rejected under Section 103 (a) as being unpatentable over Baji.

Applicants traverse the grounds for each and every rejection for the reasons set forth herein below.

Applicants traverse the rejection, in sections 1-11 of the Office Action, of claims 1-7, 10, 13-17, 20, 21 and 24 under Section 102(b) as being anticipated by Baji U.S. Patent No. 5,027,400 (the Baji '400 patent). With regard to the rejection of independent claim 1, the Baji '400 patent appears to depict a system that retrieves a variety of information from various databases, packages the data in the form of cells that are thereafter routed through an ATM network. Baji,

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indeed includes a cell disassembler (110). However, in contrast to the recited invention, the cell disassembler (110) merely receives commands requesting information that are passed on to a main control unit (corresponding to system controller 26 in Applicants' FIG. 1). No where does the Baji '400 patent disclose the recited "non-volatile data storage controller" (e.g., Disk Controller 120) for ... "receiving and storing raw data from the cell receiver to the non-volatile data storage."

The Office Action makes no reference, at the last two lines of page 2, to any components of the multiple alternative data transmission systems disclosed in Baji that embody the recited structural relationships (in claim 1) between the cell receiver, the non-volatile data storage, and the non-volatile data storage controller (interposed between the cell receiver and non-volatile data storage) that facilitate receiving and storing data received via the cell-based switching fabric. In the event that the rejection is not withdrawn, Applicants request specific identification of the items disclosed in the Baji '400 patent that correspond to the above-referenced claim elements relating to "receiving and storing data from the cell receiver to the non-volatile data storage."

Turning to the rejection of independent method claim 13 (corresponding to the steps summarized in the flowchart of FIG. 7), Applicants respectfully submit that Baji does not disclose or suggest the recited method. In particular, the "passing" step of claim 13 recites "passing, by the cell receiver to a non-volatile data storage controller, the data storage asset read command." The non-volatile data storage controller corresponds to the disk controller (see, e.g., step 402 at page 23 and reference to disk controller 120). In contrast, the Baji '400 patent discloses passing such commands to the main control unit 106 that, in-turn submits read commands to various data bases. Since at least the "passing" step is neither disclosed nor even remotely suggested by Baji, the rejection of claim 13 should be withdrawn.

Turning to the rejection of independent method claim 20 (corresponding to the steps summarized in the flowchart of FIG. 8), Applicants respectfully submit that Baji does not disclose or suggest the recited method for receiving data. As an initial matter, the Office Action does not address all the recited elements of claim 20. In particular, claim 20 recites "receiving, by a cell receiver connected to the cell-based switching fabric, a data storage asset *write*

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command from the cell-based switching fabric." [emphasis added] However, the Office action refers to a "read command" in the rejection of claim 20. Notwithstanding this oversight, Applicants submit that nowhere does Baji disclose or even remotely suggest the recited sequence of steps performed by *the cell receiver* of: receiving data cells, extracting the raw data from the data cells, and transmitting the raw data to the *non-volatile data storage controller*. In the event that this rejection is not withdrawn, Applicants specifically request identification of at least where the Baji '400 patent discloses the elements of the recited "transmitting" step of claim 20.

Applicants traverse the rejection of each and every one of the remaining claims recited in Section 1 of the Office action, that depend from independent claims 1, 13, and 20, for at least the reasons stated above regarding each of the independent claims. Furthermore, Applicants reserve the right to provide additional grounds should any subsequent Office Action recite any reason for the rejection of these claims.

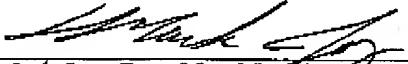
Applicants traverse the rejection of claims 8, 9, 11, 12, 18, 19, and 22 and 23 under 35 U.S.C. Section 103(a) as being obvious over the Baji '400 patent. The Office Action does not identify a single teaching in the Baji reference relating to the recited elements in each of these dependent claims. Instead, the Office Action concludes that such elements would be obvious additions to the system disclosed in Baji. The basis provided in the Office Action is that such additions to the system disclosed in the Baji patent would ensure quality of service within the system. While such addition may indeed facilitate error detection, nowhere does the Baji reference disclose that such error detection would be desirable in the context of its system for transmitting multimedia (audio/video) data streams to customers. In the event that this rejection is not withdrawn, Applicants request specific identification of references suggesting the modifications alleged to be well known in the Office Action.

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*Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
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